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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,334	02/07/2001	Scott W. Huffer	9325-36	1473
23973	7590 07/22/2005		EXAMINER	
DRINKER BIDDLE & REATH			MIGGINS, MICHAEL C	
ATTN: INTE	LLECTUAL PROPERT	Y GROUP		
ONE LOGAN	N SQUARE		ART UNIT	PAPER NUMBER
18TH AND C	CHERRY STREETS		1772	
PHILADELP	HIA, PA 19103-6996			

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summan	09/778,334	HUFFER ET AL.				
Office Action Summary	Examiner	Art Unit				
	Michael C. Miggins	1772				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	dress			
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period volume to reply within the set or extended period for reply will, by statute. Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely the mailing date of this co D (35 U.S.C. § 133).				
Status		•				
1) ☐ Responsive to communication(s) filed on <u>04 M</u> 2a) ☐ This action is FINAL . 2b) ☐ This 3) ☐ Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro		e merits is			
Disposition of Claims						
4) ☐ Claim(s) 1-19 and 27 is/are pending in the app 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-19 and 27 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/o	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b) objected to by the I drawing(s) be held in abeyance. See ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). lected to. See 37 CF	•			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)): * See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Do 5) Notice of Informal F 6) Other:	ate	D-152)			

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DETAILED ACTION

REJECTIONS WITHDRAWN

1. There are no rejections withdrawn.

REJECTIONS REPEATED

2. All of the 35 USC 103(a) rejections set forth in the non-final rejection of 1/31/05, pages 2-4, paragraphs 6-8 are repeated for the reasons of record. All of the obviousness-type double patenting rejections set forth in the non-final rejection of 1/31/05, pages 4-6, paragraphs 9-11 are repeated for the reasons of record.

NEW REJECTIONS

3. There are no new rejections.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments filed in the response of 5/4/05 have been carefully considered but are deemed unpersuasive.

Applicant has argued that Wilke does not disclose a cold-seal cohesive coating which is coated on the substrate but rather Wilke teaches a cold-seal receptive layer which is bonded to the substrate and the cold seal cohesive is then applied to the substrate. Applicant's arguments have some merit, however, Pike teaches cold-seal cohesive coating which is coated on a substrate (column 2, lines 39-52 and column 3,

lines 4-31). Therefore, the combined teachings of Wilke, Curatolo and Pike read on the limitation as written.

Applicant has argued that Wilke does not disclose reacted-in slip agents. However, no definition of the term "reacted-in" is recited in the claims. Furthermore applicant's specification (see page 7) describes the "reacted-in" additives as being fixed in place after a cross-linking procedure. There is no mention in the specification of the reacted-in slip agents becoming cross linked and polymerized themselves as is argued by applicant. Therefore, the broadest reasonable interpretation of the term "reacted-in" based upon applicant's specification is that any non-migratory, i.e. fixed, slip agent reads on applicant's "reacted-in" slip agent since a non-migratory slip agent is fixed by the fact that it is non-migratory. Since Wilkie discloses a non-migratory slip agent (column 5, lines 35-52), Wilkie reads on applicant's reacted-in slip agent.

Applicant has argued that there is no teaching or disclosure in Wilkie to include an energy-cured coating of Curatolo onto the package of Wilkie. However, the motivation to combine the references is found in Curatolo which provides a printable film and a film which is environmentally friendly. Furthermore, the limitation energy-cured is a method limitation which is not germane to the patentability of a product claim since the limitation energy-cured does not further structurally limit the product claim. Thus, the references need not directly disclose the limitation energy-cured to read on applicant's claims as written (MPEP 2113).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is found in Curatolo which provides a printable film and a film which is environmentally friendly.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins Primary Examiner

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MCM July 20, 2005